

REMARKS

Claims 1, 2, 6-15 and 17-27 currently stand rejected. Applicant respectfully requests reconsideration and withdrawal of the rejections based on the following remarks.

Drawings and Specification

The Examiner has objected to the specification and drawings under 35 U.S.C. 132(a) as adding new matter. Applicant respectfully submits that the previous amendment does not include new matter and that amendments were made to the drawings to comport with the claimed subject matter, as requested by the Examiner. M.P.E.P. § 706.03(o) states that “If subject matter capable of illustration is originally claimed and is not shown in the drawing, the claim is not rejected but applicant is required to add it to the drawing.” *See also* M.P.E.P. § 608.01(o). In a previous Office action dated February 13, 2007, the Examiner objected to the drawings for not including a claimed sensor. The sensor noted by the Office action has been featured in claims and the specification since the application was originally filed. *See* claim 5 as originally filed and Para. 0039.

As the Examiner admits, one skilled in the art may locate the sensor anywhere along the vacuum line, from the suction cup to the generator. Applicant submits that a skilled artisan’s knowledge that the sensor could be located anywhere on a vacuum line indicates that the location of the sensor is not essential for a proper understanding of the invention. According to 37 C.F.R. 1.83, “features disclosed in the description and the claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation.” Applicant submits this is precisely what was amended in the drawings. Applicant has not claimed a location of the sensor.

In light of the above remarks, Applicant respectfully submits that no new matter was added to the drawings and requests that the objection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1-2, 6, 10-15 & 25-27 have been rejected under 35 U.S.C. § 103 as being unpatentable over Eberle in light of Shimose. Applicant respectfully traverses the rejection and requests reconsideration and withdrawal of the rejection.

Eberle discloses an apparatus for automatically stacking battery plates and separators. As the Examiner admits, Eberle fails to disclose sensing a pressure differential. Shimose discloses a substrate detecting apparatus having a sensor for detecting undesired gaps between the suction device and a substrate.

Applicant submits that one skilled in the art would not be inclined to combine the teachings of Eberle with the sensor of Shimose because the sensor of Shimose operates in a fundamentally different manner. According to Shimose, the sensor's function is to "detect the difference in pressure in the main pipe 22. Specifically, the pressure sensor 30 can accurately detect the difference between a pressure while the disk substrate 11 is being normally sucked by the sucking pads and a pressure when an undesirable gap has occurred between the sucking pads 23 and the disk substrate. Such an undesirable gap is caused by a foreign substance interposed between the sucking pads and the disk substrate 11 or by the dislocation of the disk substrate 11." Shimose col. 5, ll. 11-21 (emphasis added). Shimose does not teach an ability of the sensor to detect proximity of a substrate or a differential pressure. Applicant respectfully submits that the Examiner's assertion that proximity may be generally indicated as a gap is incorrect and misunderstood. The "gap" of Shimose is defined as resulting from a foreign substance interposed between the substrate and the sucking pads or a dislocation of the substrate. Nothing in Shimose teaches a sensor capable of detecting pressure changes due to variable distances between a substrate and an end effector, or "proximity" as claimed in independent claim 1. The problem solved by the Shimose sensor (i.e., determining if a foreign object has been interposed between

the sucking pads and the substrate) is distinct from that solved by the sensor of claim 1. One skilled in the art would not find any motivation in the cited references, alone or in combination, to utilize the features disclosed to produce the system of claim 1. Applicant respectfully submits that independent claim 1 is patentably distinct and in condition for allowance for at least the reasons stated above.

With respect to independent claim 15, the Office action makes no mention of the specific features of claim 15 which are allegedly made obvious by the cited references. The Examiner does not show that the cited reference alone, or in combination, includes each and every feature of claim 15. Therefore, Applicant submits that the Office action fails to establish prima facie obviousness based on the cited references. For example, the Office action ignores the distinctions previously highlighted by Applicant, including but not limited to a pneumatic separator for separation of interleaves. Because the Office action makes no mention of the specific features of claim 15 as compared to the cited references, Applicant submits claim 15 is patentably distinct and in condition for allowance.

Applicant asserts that independent claims 1 and 15 are in condition for allowance and respectfully requests favorable action in the form of a Notice of Allowance. Claims 2, 6-14, 17 and 25-27, which depend from patentable independent claims, are also in condition for allowance.

Conclusion


In light of the foregoing remarks, Applicant believes all objections and rejections have been overcome and all claims are patentably distinguishable from the cited references. Applicant respectfully submits the application is in condition for allowance and requests favorable action in the form of a Notice of Allowance.

Applicant has included herein a petition for a one month extension of time under 37 CFR 1.136(a) along with a fee payment of \$60. Applicant believes no other fees are currently due. However, in the event additional fees are required, Deposit Account No. 50-1721 may be charged.

Respectfully submitted,

Date: December 19, 2007
Reg. No. 54,146

Tel. No.: (617) 261-3100
Fax No.: (617) 261-3175



George S. Haight IV
Attorney for Applicant(s)
Kirkpatrick & Lockhart Preston
Gates Ellis LLP
State Street Financial Center
One Lincoln Street
Boston, Massachusetts 02111-2950